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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,201	05/15/2001	Mai-lan Tomsen	4000.2.21	2513

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EXAMINER

FISH, JAMIESON W

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,201

Applicant(s)

TOMSEN ET AL.

Examiner

Jamieson W. Fish

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6-25-2001 has been considered by the examiner.

Claim Objections

Claim 19 is objected to because of the following informalities: line 2: "method" should be replaced with "system." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 8, 11-15, 18-24, 26, 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al (US 2001/0037500).
2. Regarding claim 1, Reynolds teaches a method for modifying enhanced programming for an interactive television system, the method comprising: intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast (See Fig. 2, Fig. 4 Step 202 and Paragraphs 26, 27, 29-32); replacing the first trigger with a second trigger (See Fig. 4 Step 214 Paragraphs 26, 27, 29-32); and

sending the second trigger to the interactive television system with the television broadcast (See Fig. 4 Step 216 Paragraphs 26, 27, 29-32).

3. Regarding claim 2, Reynolds teaches wherein the first trigger comprises a first link to a first set of enhanced content (See Fig. 2, Fig. 4 Paragraphs 26, 27, 29-32).

4. Regarding claim 3, Reynolds teaches wherein replacing the first trigger with a second trigger comprises: replacing the first link with a second link to a second set of enhanced content (See Fig. 2, Fig. 4 Paragraphs 26, 27, 29-32).

5. Regarding claim 4, Reynolds teaches wherein the first and second links comprise uniform resource locators (URLs) (See Paragraph 7).

6. Regarding claim 5, Reynolds teaches wherein the first trigger comprises a first message (See Paragraph 8 Announcements are messages).

7. Regarding claim 6, Reynolds teaches wherein replacing comprises: substituting a second message for the first message (See Paragraph 27).

8. Regarding claim 8, Reynolds teaches wherein the first trigger relates to enhanced content for a first geographic location and the second trigger relates to enhanced content for a second geographic location (See Paragraph 27).

9. Regarding claim 11, Reynolds teaches wherein the first trigger relates to content of a national interest and the second trigger relates to content of a local interest (See Paragraph 27).

10. Regarding claim 12, Reynolds teaches wherein the second trigger contains directed advertising related to the first trigger (See Paragraph 27).

11. Regarding claim **13**, Reynolds teaches wherein the first trigger is embedded into the television broadcast by one selected from a group consisting of a producer, a broadcast network, a studio, and a cable operator (See Paragraph 26).

12. Regarding claim **14**, Reynolds teaches wherein the second trigger is identical to the first trigger (See Fig. 4 Steps 212, 214 Paragraph 42 Unchanged metadata is inserted into video data stream).

13. Regarding claim **15**, Reynolds teaches wherein the second trigger comprises at least a portion of the first trigger (See Paragraph 27).

14. Regarding claim **18**, Reynolds teaches a method for blocking access to selected enhanced content during a television broadcast, the method comprising: intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast (See Fig. 2, Fig. 4 Step 202 and Paragraphs 26, 27, 29-32); removing the first trigger from the television broadcast (See Fig. 2, Fig. 4 Step 204 and Paragraphs 26, 27, 29-32); and sending the television broadcast to an interactive television system of a customer (See Fig. 2, Fig. 4 Step 216 and Paragraphs 26, 27, 29-32).

15. Regarding claims **19-24, 26, 29-33** claims **19-24, 26, 29-33** are system claims corresponding to method claims 1-6, 8, 11-15, respectively. Thus, claims **19-24, 26, 29-33** are discussed and rejected according to claims 1-6, 8, 11-15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims **7, 9-10, 25, 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds.
17. Regarding claim **7**, Reynolds fails to disclose replacing a first trigger with a second trigger of a different language. However, Reynolds does teach where triggers can be in different languages (See Paragraph 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the first trigger related to enhanced content for a first language and the second trigger related to enhanced content for a second language in order to tailor a broadcast to a local market (See Paragraph 15).
18. Regarding claims **9-10**, Reynolds fails to disclose where triggers relate to religion/ethnicity. Official Notice is taken that it is well known that ethnic/religious demographics are two characteristics that relate to the population of a geographic area. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that triggers related to religion/ethnicity of the local market in order to tailor broadcasts to the local market (See Paragraph 15).
19. Regarding claims **25, 27-28**, claims **25, 27-28** are system claims corresponding to method claims **7, 9-10**, respectively. Thus, claims **25, 27-28** are discussed and rejected according to claims **7, 9-10**.
20. Claims **16-17, 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Blackketter (US 6,560,777).

21. Regarding claim **16**, in Reynolds the second trigger does not necessarily replace a portion of a URL of the first trigger. In a similar endeavor, Blackketter teaches where a general portion of a URL is replaced with more specific portion (See Col. 5 lines 5-28). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the second trigger comprised the URL of the first trigger in order to provide an effective way to distinguish each type of specific content from another (See Col. 5 lines 18-27).

22. Regarding claim **17**, Reynolds fails to disclose wherein the second trigger further comprises supplemental enhanced content appended to the first trigger and wherein the second trigger is configured to provide a choice between enhanced content and supplemental enhanced content for display on the interactive television system.

Blackketter teaches a using trigger that is a collection of multiple resources in order to provide a choice between which content is displayed (See Fig. 3 Sports page 322 and Col. 2 lines 47-60, Col. 3 lines 59-67, Col. 4 lines 1-2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the second trigger was configured to provide a choice between enhanced content and supplemental enhanced content for display on the interactive television system in order to allow the users to select the enhancement they prefer.

23. Regarding claims **34-35**, claims **34-35** are system claims corresponding to method claims 16-17, respectively. Thus, claims **34-35** are discussed and rejected according to claims 16-17.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 7/15/2005



VIVEK SRIVASTAVA
PRIMARY EXAMINER